

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application 17691 U.S. PTO Atty. Dkt.: 3589-56
 Commissioner for Patents  Date: March 24, 2004
 P.O. Box 1450
 Alexandria, VA 22313-1450 032404
 Sir:

17538 U.S. PTO
 10/807295

 032404

Attached for filing is the patent application of:

Inventor: HENLEY ET AL.

Entitled: ELECTROKINETIC DELIVERY OF MEDICAMENTS

and including attachments as noted below:

☐ Newly executed Declaration, ☒ Copy of Declaration from prior application, ☒ Abstract

72 pages of specification and claims (including 147 numbered claims), and

15 sheets of accompanying drawing/s for Figures

☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number

Country

Day/Month/Year Filed

☐ , respectively, the entire content of which is hereby incorporated by reference in this application..

☐ Certified copy(ies) of foreign application(s) is/are attached.

☐ Certified copy(ies) filed on _____ in prior appln. no. _____ filed _____

☐ This application claims the benefit of Provisional Application No. _____, filed _____, the entire content of which is hereby incorporated by reference in this application.

☒ This application is a division of Application No. 10/245,337, filed September 18, 2002, which is a division of Serial No. 09/584,138 filed May 31, 2000, now U.S. Patent No. 6,477,410, the entire contents of which are hereby incorporated by reference in this application.

☐ Petition filed in prior application to extend its life to insure co-pendency.

☒ The prior application is assigned to Biophoretic Therapeutic Systems, LLC, Framingham, Massachusetts.

☒ It is hereby requested that the Examiner consider the art cited in the parent application by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached.

☒ Applicant claims "small entity" status. ☐ "Small entity" statement attached.

☒ Please enter the attached preliminary amendment prior to calculation of filing fee:

Cancel claims 1-49, 51-98, 141, 148 and 149.

☒ Also attached: ☐ Information Disclosure Statement; ☐ Non-Publication Request; ☐ Nucleotide and/or Amino Acid Sequence Submission; ☐ Statement deleting inventor(s) named in prior application; ☒ Other: True copy of parent application and executed documents filed with that application.

FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED

Basic Filing Fee			\$	770.00
Total effective claims	54	- 20 (at least 20) =	34	x \$ 18.00
			\$	612.00
Independent claims	2	- 3 (at least 3) =	0	x \$ 86.00
			\$	0.00
If any proper multiple dependent claims now added for first time, add \$290.00 (ignore improper)			\$	0.00
			SUBTOTAL	\$ 1382.00
If "small entity," then enter half (1/2) of subtotal and subtract			-\$	691.00)
			SECOND SUBTOTAL	\$ 691.00
Assignment Recording Fee (\$40.00)			\$	0.00
			TOTAL FEE ENCLOSED	\$ 691.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**.

A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.

By Atty: Richard G. Besha, Reg. No. 22,770

Signature: _____

Richard Besha